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November 22, 2021

VIA ECF

MEMO ENDORSED

Hon. Katherine Polk Failla
United States District Judge
United States District Court for the Southern District of New York
40 Foley Square, Courtroom 618
New York, NY 10007

**Re: *Keung v. La Colombe Torrefaction, Inc. et al*,
Case No.: 1:21-cv-07112-KPF (S.D.N.Y.)**

Dear Judge Failla:

This firm represents Defendant La Colombe Torrefaction, Inc. ("Defendant") in the above-referenced action. We write, with Plaintiff's consent, to respectfully request (1) a 30-day adjournment of the Initial Pretrial Conference scheduled for December 1, 2021 and (2) a corresponding extension of the deadline to file pre-conference submissions.

By way of background, Plaintiff filed the Complaint on August 23, 2021 against Defendant and Pony Real Estate LLC ("Landlord"). Defendant waived service of the Summons and Complaint on October 13, 2021. (ECF No. 8.) Accordingly, the present deadline for Defendant to respond to the Complaint is December 13, 2021. On September 20, 2021, the Court scheduled an Initial Pretrial Conference for December 1, 2021 at 2:30 p.m. (ECF No. 7.) Further, as per the Court's September 20, 2021 Order, the parties must submit a joint letter and Proposed Civil Case Management Plan and Scheduling Order by November 26, 2021. (*Id.*) Landlord has not yet appeared in this case, although it is likely that the undersigned will enter an appearance on behalf of that entity, pending completion of certain discussions.

We respectfully request that the Court adjourn the Initial Pretrial Conference by at least 30 days, and reset the deadline for pre-conference submissions accordingly. Defendant has provided a settlement proposal to Plaintiff, which counsel are scheduled to discuss tomorrow, November 23, 2021. Defendant would prefer to focus its attention and resources in the next 30 days on negotiating a potential non-litigated resolution, as well as to facilitate Landlord's appearance in the case.



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The granting of these requests will not impact any other scheduled deadlines, and these requests are not intended to cause undue delay. We thank the Court for its time and attention to this matter, and for its consideration of this application.

Respectfully submitted,

SEYFARTH SHAW LLP

/s/ John W. Egan

John W. Egan

cc: All counsel of record (via ECF)

Application GRANTED.

The initial pretrial conference in this matter is hereby ADJOURNED to **January 19, 2022, at 10:00 a.m.**

Defendants shall file their response to the Complaint on or before **January 13, 2022**. The parties shall file their joint pretrial submissions, consistent with the Court's Notice of Initial Pretrial Conference (Dkt. #7), on or before **January 13, 2022**.

The Clerk of Court is directed to terminate the motion at docket entry 11.

SO ORDERED.

Dated: November 23, 2021
New York, New York

A handwritten signature in blue ink that reads 'Katherine Polk Failla'.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE